

## Proposed Amendment of April 22, 2003

AMENDMENTS TO THE CLAIMS

1. (currently amended) A flooring system supported by a concrete slab of a building structure comprising: a wood subfloor supported by the concrete slab; a wood finished floor supported by the wood subfloor; a moisture and condensation barrier layer coated onto the wood subfloor, the moisture and condensation barrier layer comprising a cured liquid rubberized coating material having a thickness sufficient to prevent moisture and condensation from penetrating from below the moisture and condensation barrier layer to above the moisture and condensation barrier layer.

would be  
on top of  
wood  
subfloor.

2. (currently amended) A flooring system as defined in claim 1 wherein the moisture and condensation barrier layer has about a 6-to-8-mil thickness of the cured liquid rubberized coating material.

3. (original) A flooring system as defined in claim 1 further comprising: a radiant heating system supported by the concrete slab and disposed under the wood subfloor and the moisture and condensation barrier layer, the radiant heating system providing heat to the flooring system and the building structure; and wherein the moisture and condensation barrier layer prevents moisture and condensation from penetrating from the radiant heating system to above the moisture and condensation barrier layer.

4. (currently amended) A flooring system as defined in claim 1 wherein the cured liquid rubberized coating material cures into a solid after being coated onto the wood subfloor.

5. (currently amended) A flooring system as defined in claim 1 wherein the wood subfloor comprises a plurality of wood boards having the cured liquid rubberized coating material coated onto the wood boards.

6. (currently amended) A flooring system as defined in claim 5 wherein: the cured liquid rubberized coating material is coated onto only one side of the wood boards; and the wood boards are placed in the wood subfloor with the coated side face down.

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7. (currently amended) A flooring system as defined in claim 5 wherein: the cured liquid rubberized coating material is coated onto only one side of the wood boards; and the wood boards are placed in the wood subfloor with the coated side face up.
8. (withdrawn)
9. (withdrawn)
10. (withdrawn)
11. (withdrawn)
12. (withdrawn)
13. (withdrawn)
14. (currently amended) A method of forming a flooring system supported by a concrete slab in a building structure comprising: coating a plurality of wood boards with a moisture and condensation barrier material having a cured liquid rubberized coating material; placing the coated wood boards onto the concrete slab to form a wood subfloor having a moisture and condensation barrier that prevents moisture and condensation from penetrating from below the moisture and condensation barrier to above the moisture and condensation barrier; and installing a wood finished floor over the wood subfloor.
15. (currently amended) A method as defined in claim 14 further comprising: coating the wood boards with the cured liquid rubberized coating material that cures into a non-tacky solid to form the moisture and condensation barrier material.
16. (original) A method as defined in claim 14 further comprising: before placing the coated wood boards onto the concrete slab, installing a radiant heating system onto the concrete slab, the radiant heating system being for heating the flooring system and the building structure; and placing the coated wood boards over the radiant heating system to prevent moisture and condensation from reaching the wood finished floor from the radiant heating system.

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17. (original) A method as defined in claim 14 further comprising: coating only one side of each wood board; and placing the wood boards onto the concrete slab with the one coated side face down to prevent moisture and condensation from penetrating from below the moisture and condensation barrier to the wood subfloor and wood finished floor.

18. (original) A method as defined in claim 14 further comprising: coating only one side of each wood board; and placing the wood boards onto the concrete slab with the one coated side face up to prevent moisture and condensation from penetrating from below the moisture and condensation barrier to the wood finished floor.

19. (withdrawn)

20. (withdrawn)

21. (withdrawn)

22. (withdrawn)

23. (withdrawn)

24. (currently amended) A building construction material comprising: a wood board; and a moisture and condensation barrier comprising a cured liquid rubberized coating material coated onto the wood board, the moisture and condensation barrier having a thickness sufficient to prevent moisture and condensation from penetrating from below the moisture and condensation barrier layer to above the moisture and condensation barrier layer.

25. (currently amended) A building construction material as defined in claim 24 wherein the cured liquid rubberized coating material is coated onto only one side of the wood board.

26. (currently amended) A building construction material as defined in claim 24 wherein the moisture and condensation barrier has about a 6-to-8-mil thickness of the cured liquid rubberized coating material.

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27. (currently amended) A building construction material as defined in claim 24 wherein the cured liquid rubberized coating material cures into a solid after being coated onto the wood board.

28. (currently amended) A building construction material for use as a barrier to moisture penetration in ~~a portion of a building structure~~, comprising:

a wood board; and

a moisture barrier comprising a cured liquid rubberized coating material coated onto the wood board and forming a barrier to prevent moisture penetration into the wood board ~~from a portion of the building structure exposed to moisture.~~

29. (currently amended) A building structure in which at least a portion of the structure comprises the building construction material as defined in claim 28 ~~wherein the portion of the building structure includes a floor of the building structure.~~

30. (currently amended) A building construction material as defined in claim 28 wherein the moisture barrier ~~of the building structure~~ comprises an elastomeric membrane.

31. (currently amended) A building ~~structure construction material~~ as defined in claim ~~28~~ 29 wherein the portion of the structure that comprises the building construction material is exposed to moisture conditions and wherein the moisture barrier bars moisture penetration from the moisture exposed portion of the building structure to a dry portion of the building structure.

32. (currently amended) A building ~~structure construction material~~ as defined in claim ~~28~~ 31 wherein the moisture exposed portion of the building structure is at least periodically subject to moisture conditions and the dry portion of the building structure is intended to be kept dry from moisture conditions.

33. (currently amended) A building ~~structure construction material~~ as defined in claim ~~28~~ 31 wherein the rubberized coating material is coated onto at least one ~~coated~~ side of the wood board and wherein the wood board is installed placed in the portion of the building structure with the moisture barrier coated side facing the moisture conditions exposed portion of the building structure.

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34. (currently amended) A building ~~structure construction material~~ as defined in claim 28 29 wherein the building structure includes an interior space ~~at least partially defined by the portion of within the building structure, and wherein~~ the rubberized coating material is coated onto at least a ~~first~~ only one side of the wood board ~~opposite a second side of the wood board, and wherein the wood board is installed placed in the portion of the building structure with the second side~~ uncoated side of the wood board facing the interior space of the building structure.

35. (canceled)

36. (canceled)

37. (currently amended) A building construction material for use as a barrier to moisture penetration in a building structure, comprising:

a wood board; and

a moisture barrier comprising an elastomeric membrane comprising rubber which is coated onto at least three sides of the wood board and forming a barrier to prevent moisture penetration into ~~from a portion of the wood board exposed to moisture to a dry portion thereof.~~

38. (currently amended) A building construction material as defined in claim 37 wherein the wood board has a generally elongated cubicle shape with six sides, and the elastomeric membrane is ~~a liquid rubberized coating material which is coated onto at least five sides of the~~ wood board.

39. (currently amended) A building construction material as defined in claim 37 wherein the elastomeric membrane ~~liquid rubberized coating material of the moisture barrier~~ is coated onto all six sides of the wood board.

40. (currently amended) A building structure which comprises a floor and wherein the floor comprises the building construction material as defined in claim 28. ~~A building construction material for use as a barrier to moisture penetration in a building structure, comprising:~~  
a wood board; and

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~~a moisture barrier comprising a liquid rubberized coating material coated onto the wood board  
and forming a barrier to moisture penetration into the wood board.~~